

A
C O P Y
O F T H E
T E S T

Which is to be taken by all such Persons as shall
be employed in any publick Place of T R U S T
in S C O T L A N D.

I *A. B. C.* Affirm and Testifie and declare by this my Solemn Oath, that I own and sincerely profess the true Protestant Religion, as its founded in the Word of God, and at present is Established and Professed in this Kingdome, and that I disown and renounce all such Principles, Doctrines, and Practices whatsoever, Popish or Phanatical, which are contrary to, and inconsistent with our Religion, as its Established by Law and Doctrine, Worship and Government; and for the Testification of my obedience to my most Gracious Sovereign *Charles the Second*, I do Affirm and declare this Solemn Oath, that the Kings Majesty is the only Supreme Governour of this Realm, and of all other His Majesties Dominions and Countries, as well in Ecclesiastical Causes as Civil, and that no forraign Power, Person, Prelate, State, or Potentate have or ought to have any Jurisdiction, Power, Superiority, Preheminency or Authority Ecclesiastical or Civil within this Realm, and therefore I do utterly Renounce all Forraign Jurisdiction, Power, Superiority, and Authority,
and

and do promise that from henceforth, I shall bear faithful and true Allegiance to His Majesty, His Heirs, and Lawful Successors, and to my utmost power shall assist and defend all Rights, Jurisdictions, Prerogatives, and Priviledges, Preheminences, and Authorities, belonging to His Majesties own and Lawful Successors.

And I further Affirm and declare by this my Solemn Oath, that I Judge it unlawful for Subjects upon any pretence whatsoever to enter into Covenant, or Levy, or to Assemble themselves together without the Kings Express Warrant, Consent, and Authority to take up Arms against the King or those Commissionated by him; And that the National Covenant as it was sworn and explained in the year (1638) And the Solemn League and Covenant were and are in themselves unlawful Oaths, and were taken by, and imposed upon the Subjects of this Kingdome against the fundamental Laws and Liberties of the same; And that there lies no Obligation on me from the said Oaths, or either of them, to Endeavour, Alter or Change the Government, either of Church or State, as its now Etablised by the Laws of this Kingdome.

And I do promise and Swear, that I shall with my utmost power assist, defend, and maintain His Majesties Jurisdictions aforesaid, against all Opposers whatsoever, and shall never declaim His Majesties power, as I shall answer to God.

And finally, I Affirm and declare, that this my Solemn Oath and Declaration, is given in the plain genuine Sence of the words, without any Equivocation, mental Reservation, or any manner of Evasion whatsoever, *So help me God.*

LONDON, Printed for E. Ryddal, 1681.

A True Copy of the Indictment which is preferred against Archibald Earl of Argile, for High-Treason. who is to be Tryed on Monday the 12th. day of this instant December 1681 as it was taken from the Original Records.

Published for the satisfaction of the People.

A RCHIBALD Earl of Argile, you are Indicted and Accused, That albeit by the Common Law of all well-governed Nations, and by the municipal Laws and Acts of Parliament of this Kingdom, and particularly by the 21 cap. Stat. 1. R. 1. and by the 43 Act of Parl. 2 Jac. 1. and by the 83 Act of Parl. 5 Jac. 6. and the 134 Parl. 14 Jac. 6. and by the 204 Act. 8 Jac. 6. all Leising-makers, and sellers of them, are punishable with tinal of Life and Goods, and by the 7 Act Parl. 2 Jac. 6. It is Statute, That no man interpret the Kings Statutes otherwise than the Statutes bear, and to the intent and effect that they were made for, and as the makers of them understood; And who so does to the contrary, to be punished at the Kings Will. And by the 1 Act Parl. 1 Jac. 6. It is Statute, That none of His Majesties Subjects presume or take upon hand to decide, or privately to speak, or write any purpose of Reproach against His Majesties Government or State; or to deprave his Laws and Acts of Parliament, or misconstrue his Statutes, without any authority, or to move between His Highness, his Nobility, and his loving Subjects in that bearing, under pain of Death, certifying them that do on the contrary, they shall be reputed as faithless and wicked Instruments, Enemies to His Highness, and the Commonwealth of the Realm, and the said pain of Death shall be executed against them with all vigour, to the example of others. And by the 24 Act Scilicet 2. Parl. 1. Ch. 1. It is Statute, That whoever shall by speaking, libelling, or otherwise, speak, publish or declare any Words or Sentences to stir up the people to the dislike of His Majesty, his Royal Prerogative, and Supremacy in Causes Ecclesiastical, of the Government of the Church by Archbishops and Bishops, as it is now established by Law, under pain of being punishable to execute any Office, Civil, Ecclesiastical or Military, within this Kingdom, in any time coming, Likewise by the Fundamental Laws of this Nation, and by the 138 Act Parl. 8 Jac. 6. It is declared, That none of His Majesties Subjects presume or take upon hand to impugn the Dignity and Authority of the three Estates of Parliament, or to procure innovation or diminution of the power and Authority, under the pain of Treason; And it is much more Treason in any of His Majesties Subjects to presume to alter Laws already made, or to make new Laws, or add any part to any Law by his own Authority, that being to assume the Legislative Power to themselves, which is His Majesties sole and most incommunicable Prerogative; Yet true it is, that albeit His Sacred Majesty did bestow upon you the said Arch. Earl of Argile These Vast Lands, Jurisdctions, and Superiories, justly forfeited to His Majesty by the Crimes of your deceased Father, preferring your Family to These, who had Served His Majesty in the late Rebellion against it, but also Pardoned and Remitted to them the Crimes of Leising, Making and Misconstructing of His Majesty and the Parliaments proceedings against every Laws above written, whereof you were found Guilty, and condemned to die therefore, by the High Court of Parliament Anno 1662. And raised you to the Title and Dignity of an Earl, and being a Member in all His Majesties Jurisdctions. Notwithstanding of all these and many other reasons, to you the said Arch. Earl of Argile, being put to the Lords of His Majesties Privy Council, to take the Test appointed by the Act of the last Parliament, to be taken by all persons in publick Court, instead of taking the said Test, and Swearing the same in the plain Sense and Meaning of the same, without Equivocation, Mental Reservation, or Evasions, whatsoever, you Declare against, and Defame the said Act, and having to the end you might corrupt others by your pernicious Sense, saying the same in a Libel, of which Libel, you dispersed, and gave abroad Copies, whereby evil example was given to the Kings proceedings, at a time especially when his Majesties Subjects were expecting that submission should be given to the said Test; and being desired the next day to take the same in one of the Commissioners of his Majesties Treasury, then did give in to the Lords of His Majesties Privy Council, and owned twice in plain Judgment before them, the said Defamatory Libel against the said Test and Act of Parliament, declaring that ye had considered the said Test, and was determined to give obedience as far as ye could, whereby ye clearly insinuate, that ye were not able to give full obedience.

In the Second Article of which Libel ye declare that ye are confident that the Parliament never intended to impose contradictory Oaths whereby to abuse the people with the belief that the Parliament had been so impious as really and actually to impose contradictory Oaths, and so ridiculous as to have made an Act of Parliament (which should be most deliberate of all Humane Actions) quite contrary to their own intentions; After which ye subsumed, contrary to the nature of all Oaths, contrary to the Acts above-cited, that every man must explain it for himself, and take it in his own sense, then

then the Oath is imposed to no purpose, for the Legislator cannot be sure that the Oath imposed by him will bind the Takers according to the design and intent for which he appointed it, and the Legislative Power is taken from the Imposer, and settled upon the Taker of the Oath, and so he is allowed to be the Legislator, which is not only an open and violent depriving of His Majesty's Acts of Parliament, but is likewise a settling of the Legislative Power upon private Subjects who are to take such Oaths. In the 3d. Article of the said Paper, you declared, That ye take the Test in as far only as it is consistent with it self, and the *Protestant Religion*; by which you maliciously intimate to the people that the said Oath is inconsistent with it self and the *Protestant Religion*, which is not only a downright depraving of the said Act of Parliament, but is likewise a misconstruing of His Majesty and the Parliaments Proceedings, and a misrepresenting to the people in the highest degree, and in the tenderest points wherein they be concerned, and implying that the King and Parliament have done things inconsistent with the *Protestant Religion*, for securing of which that Test was particularly invented. In the 4th Article you expressly declared, That you mean not by taking the said Test to bind up your self from wishing or endeavouring any alteration that ye shall think for the advantage of the Church or State? whereby, although it was designed by the said Act of Parliament and Oath, that ye should endeavour any alteration of the Government, either in Church or State, as it is now established, and the duty of all good Subjects in humble manner to obey the present Government; yet you only declared your self, but by your example invited others to think themselves loosed from their obligation, and that it is free for them to make any alteration in either as they think fit, concluding the whole Paper with these words, *I And this I understand as a part of my Oath*, which is not only a violation upon the Legislative Power, as if it were lawful for you to make to your self an Act of Parliament, since he that can make any part of an Act, can make the whole Power and Authority both being the same; Of the which Comes above-mentioned, you the said *James* being a Minister of State, not a private man, art and part, whilk being found by Affize, you ought to be punished with pains of forfeiture of Life, Lands, and Elcheat of Goods, to the terror of others to do and commit the like thereafter.

Here follows a List of the Affizers, or Jurors.

Marques of Montrose.
Earl of Linlithgow.
Earl of Winton.
Earl of Strathmore.
Earl of Roxburgh.
Earl of Haddington.
Earl of Drumfries.
Earl of Arlie.
Earl of Marr.
Earl of Home.
Earl of Perth.
Earl of Derbyshire.
Earl of Dalhousie.
Earl of Salisbury.
Earl of Fife.
Earl of Middleburgh.
Lord Ross.

Lord Elbank.
Lord Dalrymple.
Lord Livingston.
Lord Sinker.
Lord Lindsay.
Lord Rollo.
Lord Brantford.
Laird Parrie.
Laird Lesmure.
Laird Hall-guards.
Laird Hilltown.
Laird Ormiston.
Laird Touch.
Master of Bannockburn.
Master of Ross.
Master of Barry.
Laird Colquhoun.

Sir Robert Dalrymple.
Laird Dalrymple.
Laird Dalrymple.
Sir William Dalrymple.
Laird Dalrymple.
Laird Dalrymple.
Laird Dalrymple.
Mr. Dalrymple.
to the Earl of Dalrymple.
Master of Dalrymple.
Sir Andrew Dalrymple.
Laird Dalrymple.
Laird Dalrymple.
Laird Dalrymple.
Sir William Dalrymple.

The Names of the Witnesses.

Pat. Menzies, Lord Register, Hugh Stirlingson, &c.

Here follows his Explanation of the TEST.

I have considered the Test, and am very desirous to give Obedience in as far as I can; I am content the Parliament never intended to impose contradictory Oaths, and therefore I think no Man explain it but for himself, and reconcile it as it is genuine and agree in its own sense, and I take it in as far as it is consistent with it self and the *Protestant Religion*; And I do declare I mean not to alter my self in my Station, and in a lawful way, to wish and endeavour any alteration I think for the advantage of Church or State, and repugnant the *Protestant Religion*, and my Loyalty: and this I understand as a part of my Oath.

The day of Conspiraunce, 12th. of December 1681.